DOCUMENT RESUME

ED 285 942 UD 025 735

TITLE H.R. 5 and Hispanic Educational Concerns: An Overview of the School Improvement Act of 1987. Perspectivas Publicas. Issue Brief.

INSTITUTION National Council of La Raza, Washington, DC. Office of Research Advocacy and Legislation.

PUB DATE 11 Jun 87

NOTE 16p.; For related documents, see UD 025 733-734.

PUB TYPE Legal/Legislative/Regulatory Materials (090) -- Reports - Descriptive (141)

EDRS PRICE MF01/PC01 Plus Postage.

DESCRIPTORS *Bilingual Education; Educational Finance; *Educational Legislation; *Educational Policy; Elementary Secondary Education; Expenditures; *Federal Legislation; Financial Support; *Hispanic Americans; Limited English Speaking

IDENTIFIERS Bilingual Education Act 1984; *Congressional Bills; Education Consolidation Improvement Act Chapter 1; Proposed Legislation

ABSTRACT

The School Improvement Act of 1987, H.R. 5, has been approved in the House of Representatives. This bill reauthorizes 14 existing federal elementary and secondary programs and creates a new program for gifted and talented children's education. The majority of the programs in H.R. 5 are designed to improve services for educationally disadvantaged children. The two major programs being reauthorized are Chapter 1 and Bilingual Education. For the first time the Chapter 1 program will provide for the participation of children and parents who are limited English proficient (LEP) and will provide special services for preschool children and secondary school students. A serious concern in H.R. 5 is the funding priority given to English-only programs for LEP children. Despite a body of research that indicates that programs making no use of a child's native language are the least effective in promoting language acquisition and subject matter competency, the majority of new funds will be awarded to these programs. The existing federal support for truly bilingual programs will continue at its present level. Actual enactment of this legislation is not expected until 1988. (VM)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED285942

H.R. 5 AND HISPANIC EDUCATIONAL CONCERNS: AN OVERVIEW OF THE SCHOOL IMPROVEMENT ACT OF 1987.

BEST COPY AVAILABLE

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Arturo Vargas
Natl Council of La Raza

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

UD025735

8/4/87

NATIONAL COUNCIL OF LA RAZA
OFFICE OF RESEARCH ADVOCACY AND LEGISLATION

Perspectivas Públicas

Issue Brief

Title: H.R. 5 AND HISPANIC EDUCATIONAL CONCERNS

Contact: Arturo Vargas (202) 628-9600 June 11, 1987

H.R. 5 AND HISPANIC EDUCATIONAL CONCERNS

An Overview of the School Improvement Act of 1987

I. INTRODUCTION

Proceeding on an accelerated schedule which began on January 6 with the introduction of H.R. 5 -- the School Improvement Act of 1987 -- and ended on May 21, with a 401 to 1 vote to approve the measure, the House of Representatives has reauthorized 14 federal elementary and secondary programs that were scheduled to expire in 1987, 1988, or 1989. The reauthorized programs are: Chapter One of the Education Consolidation and Improvement Act of 1981 (ECIA), compensatory education for disadvantaged children; Chapter Two of the ECIA; Math and Science Education; Magnet Schools Assistance; the Drug-Free Schools and Communities Act of 1986; the Women's Educational Equity Act; the Allen J. Ellender Fellowship Act; Immigrant Education; Territorial Assistance programs for teacher training and general assistance to the Virgin Islands; the Excellence in Education demonstration grant program; the Bilingual Education Act; Indian and Native Hawaiian Education; the Adult Education Act; Impact Aid; and the General Education Provisions Act. The School Improvement Act also created a new program for gifted and talented children's education.

Actual enactment of this legislation is not expected until 1988; the Senate also must pass similar legislation before it can be sent to the President. The Senate Subcommittee on Education, Arts and the Humanities is currently in the process of reauthorizing only Chapter One and Chapter Two, and indications are that the Subcommittee will soon take up Adult Education.

This issue brief describes six of the reauthorized programs, and discusses some of the major reauthorization issues for two of the major programs, Chapter One and Bilingual Education.

II. BACKGROUND

On January 6, Representative Augustus Hawkins (D-CA), Chairman of the House Education and Labor Committee and the Subcommittee on Elementary, Secondary and Vocational Education, and Representative Wiliam Goodling (R-PA), ranking minority member of the Subcommittee, introduced H.R. 5, the School Improvement Act of 1987, which provided for a simple extension of 14 federal programs. While many of these programs are not scheduled to expire until after 1988, the Committee decided to place all the major elementary and secondary school programs on the same calendar track. (The other major programs that were not reauthorized at this time are Vocational Education which will not expire until 1989, and the higher education programs which were reauthorized last year.)

During the winter and spring, most of the major programs to be reauthorized were introduced as separate pieces of legislation, individually "marked-up" (the process of amending proposed legislation while in committee), and then folded back into H.R. 5 to create an omnibus education bill. These individual bills included Chapter One, H.R. 950, introduced by Rep. Hawkins and Goodling; Bilingual Education, H.R. 1755, introduced by Rep. Hawkins, Dale Kildee (D-MI), Matthew Martinez (D-CA), and Bill Richardson (D-NM); Adult Education, H.R. 1862, introduced by Rep. Pat Williams (D-MT); and the Jacob K. Javits Gifted and Talented and Youth Education Act, H.R. 543, introduced by Rep. Mario Biaggi (D-NY).

Three other programs also introduced separately and now part of H.R. 5, but not as separate programs, are the Effective Schools and Even Start Act, H.R. 6, introduced by Rep. Hawkins and Goodling; the Dropout Demonstration and Assistance Act, introduced by Rep. Charles Hayes (D-IL); and the Secondary Schools Basic Skills Act, H.R. 1227, introduced by Rep. Williams. These three programs are now part of the Chapter One program. The Emergency Immigrant Education Act was not introduced as a separate bill.

Most of the above bills were the focus of individual hearings held by the Subcommittee on Elementary, Secondary and Vocational Education. In addition to hearings in Washington, D.C., two field hearings were held, one in Vermont, and one in Los Angeles in conjunction with the Congressional Hispanic Caucus. The focus of the Los Angeles hearing was literacy and bilingual education.

III. CHAPTER ONE, COMPENSATORY EDUCATION FOR EDUCATIONALLY DISADVANTAGED AND POOR CHILDREN

A. Overview

Chapter One of the Education Improvement and Consolidation Act of 1981, formerly Title I of the Elementary and Secondary Education Act of 1965, is the largest of the federal elementary and secondary programs. Chapter One provides financial assistance to school districts which enroll children who are educationally disadvantaged and who live in poverty. Approximately 90% of the nation's schools receive assistance under this Chapter. Data from the National Assessment of Chapter One by the Department of Education indicate that 22% of the children served by the program are Hispanic.

Two of the major issues surrounding the reauthorization of the program were targeting and parent involvement. The National Assesment of Chapter One, which analyzed 10-year old data suggested that the program may not be serving the children most in need, while a recent General Accounting Office (GAO) report suggested that participating children generally meet selection criteria. The role of parents in the program was also extensively debated. The original Title I legislation contained extensive instructions on the nature of parent involvement; almost all these provisions were eliminated in the Education Consolidation and Improvement Act of 1981. Several studies, including one conducted by the Subcommittee, have indicated that the level of parent involvement in Chapter One has declined sharply in the past six years.

The National Council of La Raza, participating in a coalition of education and civil rights organizations, recommended several changes in the Act to improve its effectiveness in serving eligible children (copies of the recommendations are available from the Council upon request). These recommendations, developed at

Congressional request, included targeting, parent involvement, fiscal concerns, program quality, and the participation of limited-English proficient children and parents. Some of the coalition's recommendations were adopted by the Committee, including a provision for the full participation of parents with limited English proficiency and limited literacy. Other recommendations, primarily dealing with targeting and parent involvement, were not adopted.

B. New Provisions

Several provisions have been added to the House bill to improve the targeting of Chapter One funds. In an effort to ensure that the children most in need are served while not shifting funds away from participating schools, the Committee did not alter the formula by which funds are distibuted to the states. Instead, the Committee established a program of "concentration grants." According to H.R. 5, the first $400 million appropriated over existing levels would reserved for schools which enroll high numbers of children in poverty. New funds would thus be "concentrated" on children who live in neighborhoods with high poverty rates.

In targeting schools, states would be required to rank school attendance areas in order of proverty and serve only those areas with a poverty rate above the district average. All school attendance areas could be served by a school district if they all had uniformly high concentrations of poverty, and the variation from the district-wide poverty average was no more than 5% for any school.

Modest additions are incorporated in H.R. 5 to promote parent involvement. These provisions would require that school districts implement parent involvement programs, develop written parent involvement policies, convene an annual meeting of all parents of Chapter One students for purposes of explaining the program, provide reasonable support for parent activites, and report to parents on their children's progress. Emphasis would also be placed on the role of parents in the instruction of their children. Training for parents and teachers to foster collaborative efforts in teaching children is encouraged in the legislation. While parent advisory councils are not mandated as they were in Title I, they would be an allowable activity along with parent resource centers, and use of parents as classroom volunteers, tutors, and aides.

C. New Programs

There are several major new features of the House-passed version of Chapter One. These new additions would expand the program to serve children who have traditionally been excluded from Chapter One.

1. Services to Preschool Students

A major new component of Chapter One is the "Even Start" program, a family-focused program designed to combine adult literacy, parent education, and early childhood education into a single instructional program. The Even Start concept, based on legislation passed by the House last year but not taken up by the Senate, aims to stem intergenerational illiteracy. The program would provide literacy training to parents as they learn to help their own children learn. Participants would be adults who are eligible to receive services under the Adult Education Act and who have children ages one through seven who are eligible for Chapter One services.

The program is set up as a competitive demonstration grant program for local educational agencies. Fifty million dollars would be authorized for Even Start programs, 3% of which would be reserved for programs serving migrant families.

2. Services to Secondary School Students

Two new programs are included in the Chapter One legislation to provide services to secondary school students, including students in middle or junior high schools. The first program would fund dropout prevention and re-entry programs for secondary school students, and the second would fund programs which seek to improve the basic skills of secondary school students.

A combined authorization of $100 million is provided for these two programs, to be divided equally once 3% of the total funds are set aside for programs for migrant secondary school students. The programs would operate in two phases. The first phase would establish a competitive grant program for three-year awards to local educational agencies. The second phase, which would begin threee years after the legislation's enactment, would provide federal funds to state education agencies, on a formula basis, to implement exemplary programs funded under the program's first phase.

One special provision in this section of the legislation incorporates community-based organizations. Local education agencies applying for funds to implement dropout prevention programs must develop their applications in consultation with community-based organizations of "demonstrated effectiveness."

D. Provisions for Limited-English Proficient Children and Parents

The Chapter One program would for the first time make explicit the eligiblity of limited-English proficient children. The legislation, introduced as H.R. 950, states that children who are receiving services to overcome limited English proficiency "shall also be eligible to receive services under this chapter, if they have needs stemming from educational deprivation and not related solely to the...limited English proficiency" [Section 1014(d)]. The legislation also states that such children must be selected on the same basis as other children identified as eligible.

A restriction is placed on the use of funds for services provided to limited-English proficient children which are otherwise required by law. This final provision is in reference to the Lau v. Nichols decision which requires schools to take "affirmative steps" to provide limited-English proficient children with an equal education. This provision also refers to the "supplement not supplant" requirement in the Chapter One law which stipulates that Chapter One funds may not be used in place of other funds, state or local, which the schools would ordinarily expend on these students.

An amendment to H.R. 950 offered by Rep. Matthew Martinez (D-CA) and recommended by the National Council of La Raza would strengthen the involvement of parents with limited English proficiency and limited literacy. The Martinez amendment requires that information, programs, and activities for parents of Chapter One children be made available in a "language and form which the parents understand" [Section 1017(d)]. Committee report language indicates that such information may be transmitted in writing or orally.

E. Chapter One Programs for Migrant Children

Federal compensatory education programs specifically designed for migrant children were first established within Title I of the Elementary and Secondary Education Act in 1966. These programs are intended to serve those children who are "most in need" of compensatory education due to their high mobility, high poverty rates and, often, limited-English proficiency. The federal Chapter One program for migrant children is a State-administered program and consists of the Migrant Student Record Transfer System and programs usually operated by local education agencies.

Under current law, states are allowed to serve currently migrant students and formerly migrant students — students who have "settled out" of the migrant stream -- aged three to 21. Funds have been distributed to the states, however, based on the number of migrant students in each state aged five to 17. In FY 1987, the program was funded at $257.5 million, serving some 350,000 migrant children.

The School Improvement Act of 1987 would reauthorize the Chapter One Migrant Program, making few changes in current law. The Act maintains the current provision that all state-administered Chapter One programs, including Migrant Education, receive full funding. Eligibility would be extended to formerly migrant students who have settled out within the past five years. The distribution formula would be amended to allow states to count all migrant children aged three to 21 for purposes of obtaining federal funds. The Secretary of Education must also allow a 5% error rate in the state's determination of the size of the eligible population and develop a standard certification form to assist states in determining eligibility.

Two parent involvement provisions are included in the Act. All full-school year migrant education programs must be planned and operated in consultation with parent advisory councils. All other migrant education programs would be subject to the same parent involvement provisions as the regular Chapter One program.

In addition to the parent involvement provisions, a state must also design its migrant program to ensure that the funds are used to meet the education needs of migratory children; the programs are coordinated with other programs for migrants; the educational needs of migrant preschool children are met; the programs are administered in a manner consistent with the Chapter One basic grant provisions related to use of funds, applications, children's eligibility, and fiscal requirements; and the programs are evaluated for effectiveness, and — for formerly migrant students who have been served for at least two years in full-year programs — whether educational achievement is sustained.

H.R. 5 would establish a 12-member federal commission, appointed by the President and Congress, to study the status of migrant education. Among other issues, the commission would study the demographics of migrant children today compared to those of a decade ago; the number of unserved or underserved migrant students who are eligible to receive services; the coordination of other federal and state programs for migrant students; how migrant students are identified as potential dropouts; the effect of the migrant mother on her children's performance; the Migrant Student Record Transfer System; services for migrant preschool, gifted and talented, and handicapped students; the number of current migrant students served versus formerly migrant students served; and the need and funding possibilities for a National Center for Migrant Affairs.

IV. BILINGUAL EDUCATION

A. Overview

While the Bilingual Education Act — Title VII of the Elementary and Secondary Education Act of 1965 as amended, and Title VII of the School Improvement Act of 1987 -- was only one of 14 programs to be reauthorized by the House, it generated the most controversy and consumed a substantial portion of the Committee's time and attention. The bill introduced to reauthorize the Act, the Bilingual Education Improvement Act of 1987, H.R. 1755, made only minor changes in the legislation. Many of the changes were recommended by the National Council of La Raza and the National Association for Bilingual Education (NABE). All the proposed changes to current law in H.R. 1755 were accepted by the Committee.

The single but critical issue of debate was the Act's requirement that most of the programs funded under the Act make some use of a child's native language for instructional purposes. H.R. 1755 did not propose any changes to the existing funding guidelines for the programs. Current law provides that 4% of Title VII funds up to $140 million be reserved for English-only programs -- known in the law as special alternative instructional programs — and that 50% of funds above that amount be appropriated to these programs, up to a maximum of 10% of the Act's entire appropriation. These provisions were developed through bipartisan compromise during the 1984 reauthorization of the Act. Amendments to these provisions were proposed during the Subcommittee mark-up. After several meetings by seven members of the Subcommittee, a compromise amendment was reached and approved by the full Committee that would award the majority of new funds to programs of special alternative instruction.

B. Amendments to Current Law

Aside from the funding guidelines, the Bilingual Education Improvement Act of 1987 would make several minor changes to current law. Those of greatest significance are described below.

1. Authorization Level

The authorization level of Title VII would be increased from $147 million to $246 million. It has been estimated that only one-third of limited-English proficient children currently receive any special language instruction. However, full funding of the Act would serve an additional 150,000 students over the 212,000 students now served. Full funding would also increase by 450% the amount of funds available for special alternative instructional programs, those programs which do not require the use of a child's native language.

During Subcommittee mark-up, Rep. Richardson offered an amendment to increase the authorization level from the proposed $246 million to $274.1 million. This increased amount represented the level of appropriations for the Bilingual Education Act in 1980, adjusted for inflation. After some discussion on the fiscal implications of raising the authorization limit, the Subcommittee voted to reject the amendment.

2. Policy

Three new findings would be added to the policy section of the legislation, and a third finding would be amended. One new finding states that

the instructional use and development of a child's native langauge promotes student self-esteem, subject matter achievement, and English-language acquisition. A second new finding reiterates that regardless of the method of instruction, programs which serve limited-English proficient students have the equally important goals of developing academic achievement and English proficiency. A third new finding states that there is a shortage of qualified educational personnel to serve children of limited English proficiency. An existing finding would be amended to add language which states that bilingual education programs help develop the nation's linguistic resources and promote the nation's international competitiveness. Finally, new language is also included which emphasizes the law's requirement that programs funded under the Act be designed to enable children to meet grade promotion and graduation standards.

3. Part A Programs

There are several minor changes in Part A, the section of the Act which provides funds for instructional programs. The definition of Programs of Academic Excellence would be amended to emphasize that the programs are to focus on effective school and teaching practices for limited-English proficient children. The Family English Literacy Program would be expanded to allow instruction designed to enable eligible aliens to meet the English language and civics requirements for permanent resident status pursuant to the Immigration Reform and Control Act of 1986.

Grants for the development of instructional materials would be eliminated. This is a small program; the Department estimates that only two grants will be awarded in FY 1987. According to the Committee, this change will not have a significant impact on schools since the development of instructional materials is an allowable activity under all other Part A programs.

Other changes include a provision that would make all awards for programs for Special Populations (gifted and talented, preschool, and handicapped children) for three years, as opposed to the one- to three-year provision in current law. The legislation would also be amended to clarify that nonprofit organizations are eligible to apply singly, or jointly with a school district, for Academic Excellence, Family English Literacy, or Special Populations grants. Another amendment would eliminate the requirement that grantees engage exclusively in pre-service activities for no more than the first six months of the grant. Grantees would now be able to engage in such activities for up to the first 12 months of a grant if they so desired.

4. Parent Involvement

There are several new provisions designed to increase and strengthen parental involvement in Bilingual Education. The legislation would be amended to require that all information that must be made available to parents, including parent notification when a child has been selected to participate in a Title VII-funded program, be made available to parents in a "language and form" the parents understand. The legislation would also require local education agencies to provide appropriate support to Title VII parent advisory councils.

5. Administration

Several changes are proposed in the administration of the program. The Director of the Office of Bilingual Education and Minority Languages Affairs

(OBEMLA) would be required to report annually to Congress and the President on the grants and contracts made, and the number of inidviduals benefiting from Title VII programs during the preceding fiscal year. The Secretary would be required to submit a biannual report to Congress beginning in 1988 on the condition of bilingual education in the nation; this report must include information on Title VII research activities and findings. In reading and scoring applications for grants under Part A and Part C (training and technical assistance activities) of the Act, the Secretary would be required to use non-federal employees experienced in bilingual education programs. The Secretary would also be required to solicit nominations for readers from the state bilingual education directors.

6. The National Advisory and Coordinating Council on Bilingual Education

The National Advisory and Coordinating Council on Bilingual Education would be eliminated. In the past, individuals openly opposed to bilingual education have been appointed to the Council, increasing the politicalization of the program. In recognition of this fact, the Committee decided to eliminate the Advisory Council and delegate its duties and functions to either state education agencies, Congress, or other entities.

For purposes of developing program evaluation requirements, the Secretary of Education would be required to consult with state directors of bilingual education, Evaluation Assistance Centers, and other individuals and organizations with expertise in testing and evaluation. For research purposes, the Secretary would be required to consult with the appropriate Congressional committees.

7. Other Amendments

There are several other minor amendments proposed throughout the legislation. An amendment to the definition of terms in the Act would prohibit the Secretary from further defining any terms in the Act. Another amendment would increase the minimum state education agency grant from $50,000 to $75,000. Under the section authorizing research activities, one amendment specifies that longitudinal studies on programs funded by the Act must include a study of the effects of Title VII-funded programs on the grade retention, academic performance, and dropout rates of students enrolled in such programs; and another amendment would prohibit the Secretary from conducting or supporting studies or analyses of the content of educational textbooks. Another amendment would prohibit the Secretary from imposing restrictions on the availability or use of Title VII funds other than those restrictions specified by the law. Finally, language is included which would guarantee that existing grants and contracts be unaffected by any changes in the law. (Copies of the proposed bilingual education legislation as passed by the House are available from the National Council of La Raza upon request.)

C. Funding Provisions for Bilingual and English-only Programs

During the Subcommittee mark-up of H.R. 1755, Rep. Steve Bartlett (R-TX) offered several amendments that would have increased the funds available for programs which do not make use of a child's native language, the special alternative instructional programs. Rep. Barlett's amendments would have:

- Reserved 25% of Part A funds in the Act for special alternative instructional programs (current law provides that at least 60% of

all Title VII funds be reserved for Part A, which provides funds for instructional programs);

- Guaranteed that transitional bilingual education programs would continue to receive at least the same amount they were appropriated in FY 1987 (current law provides that 75% of Part A funds be reserved for these programs);

- Guaranteed that training and technical assistance activities would receive at least the same amount appropriated in FY 1987 (current law provides that 25% of total funds be reserved for these activities);

- Required that programs of transitional bilingual education, developmental education, and special alternative instruction include curricula designed to achieve competence in the English language within three years while allowing students to meet grade-promotion and graduation standards. This amendment also stated that a student would not be required to leave a program before proficiency in English was achieved.

Members of the Subcommittee debated these proposed amendments at length. After some three hours of discussion, Chairman Hawkins suggested that Rep. Bartlett withdraw his amendments and use the Spring Recess time to work out some accommodation with members of the majority before full committee mark-up. Mr. Bartlett agreed to the Chairman's suggestion, and a series of six meetings were held to discuss a compromise amendment. Participating in the discussions at some point were Representatives Hawkins, Kildee, Martinez, Richardson, Bartlett, Goodling, and James Jeffords (R-VT), ranking minority member on the full Committee and ex-officio member of the Subcommittee.

The Representatives' final negotiating session was on the last day of full Committee mark-up. The final compromise amendments were supported by all the conferees except Rep. Martinez and Richardson. These amendments would:

- Guarantee FY 1987 funding levels for each of the three major Part A programs — transitional bilingual education, developmental bilingual education, and special alternative instruction;

- Guarantee the combined FY 1987 funding levels for programs of Academic Excellence, Family English Literacy, and Special Populations; and

- Reserve either FY 1987 funding levels or 20% of the entire appropriation, whichever is greater, for training and technical assistance activities (Part C of the legislation).

Any new funds above FY 1987 funding levels ($143 million) would be distributed in the following manner:

- First, Part A and Part C would each receive an increase to adjust for inflation;

- Second, of remaining funds, a minimum of 70% and a maximum of 75% must be reserved for special alternative instructional programs;

Third, of the any remaining funds, $1 million would be reserved in FY 1988 for programs of developmental bilingual education; this program thereafter would receive an annual increase of $150,000. Any remaining funds would be allocated to transitional bilingual education programs.

These amendments were adopted by the full Committee on a voice vote; Rep. Martinez and Richardson appeared to be the only members voting against the amendments. Rep. Martinez spoke against the amendments and suggested an alternative amendment which was rejected on a voice vote. Rep. Richardson also expressed his opposition to the amendments.

Speaking in support of the amendments, Rep. Kildee indicated that such an accommodation was necessary in order to secure bipartisan support for the program. Chairman Hawkins echoed Rep. Kildee's concerns. Rep. Bartlett indicated that he believed the amendments would move the program "substantially forward" and that they represented improvements. Rep. William Ford (D-MI), ranking majority member of the full Committee, indicated that he did not consider the amendments an improvement to the status quo, but only an accommodation that was politically expedient. Rep. Ford also called for an evaluation of the special alternative instructional programs within one year of the legislation's enactment, a request which the Committee included in its Report on H.R. 5.

V. ADULT EDUCATION

A. Overview

The Adult Education Act is the federal government's primary vehicle for addressing the problems of illiteracy and low levels of basic education among the nation's adult population. During the past two years, illiteracy has been the focus of a series of joint Congressional hearings, Congressional task forces, media events and productions, and private sector activity. Many of these efforts have been in response to recent reports and studies suggesting that the illiterate population in the United States ranges from 20 million to 70 million adults. Many of these studies also suggest that up to half the Hispanic adult population is functionally illiterate in English. In an effort to further address this situation, the House bill would significantly alter current law.

The proposed Adult Education Act contains a new definition of an "educationally disadvantaged adult" for the purposes of the Act. According to H.R. 5, such an adult would be a person who has basic skills below the fifth grade level or, where no grade level is defined, is enrolled in the "lowest or beginning level" of an adult education program. According to the Committee, this language was included to explicitly identify the population which the programs funded under this Act should serve.

The basic structure of the Adult Education Act, which provides grants to states to pay for part of adult education costs, would remain the same, but the authorization level for the Act would be raised from $140 million to $200 million. In addition, the legislation provides that each state not receive less than its allotment in FY 1987. Several new programs, provisions and mandates also would be added.

B. New Programs

From its allocation, each state would be able to reserve 10% of federal funds for programs designed to improve the literacy and basic skills of employed individuals. Commonly known as "workplace literacy," these programs are designed to be collaborative efforts between a business, industry or labor organization, or private industry council (as defined by the Job Training and Partnership Act) and a local education agency (a school district) or an institution of higher education (a university or college).

The Act would also establish a series of national programs, including programs designed to serve adult migrant farmworkers and immigrant adults. The legislation would require the Secretary of Education to make grants to states and "local eligible recipients" to support planning, development, and evaluation of adult education programs for migrant farmworkers and immigrants. The legislation also permits the Department of Education to conduct joint programs with the Department of Health and Human Services for the purposes of the Immigration Reform and Control Act. This new immigration legislation requires that aliens applying to adjust their status from temporary residents to permanent residents must demonstrate knowledge or ordinary English and an understanding of United States history and government, or be enrolled in a course recognized by the Attorney General as meeting these provisions.

Other national programs would include literacy volunteer training, research activities, and policy studies. The latter program requires the Department of Education to develop a definition of "literacy" within two years of enactment. Once this determination was made, the Department would have to develop an accurate estimate of the number of illiterate adults in the United States. The Department would also be required to submit a report to Congress every four years on the status of literacy and adult education in the nation. Finally, a joint study by the Departments of Education, Labor, and Health and Human Resources on currently available federal funding sources and services for adult education programs would be mandated. The findings of the joint study would have to be submitted to Congress within two years after enactment.

C. New Provisions

In applying for federal funds, each state would have to submit a "Four-Year State Plan" of how the state intends to expend its funds and address the adult education needs of its population. In developing the four-year plan, each state would be required to conduct public hearings, coordinate its proposed activites with other federal programs such as the Job Training Partnership Act and the Immigration Reform and Control Act, and assess the adult education needs in the state. The plan would also have to describe how adult education services, including those for educationally disadvantaged and limited-English proficient adults, would be "significantly expanded" through the use of entities other than the public schools.

In addition, the state would have to describe in its four-year plan how the needs of adults with limited or no English proficiency would be met. Current law requires a state to describe how it will implement adult bilingual education programs; this language is not included in H.R. 5. Instead, the legislation would require states to describe services for such adults which provide "adequate appropriate language assistance to the extent necessary...so they (limited-English proficient adults) may progress effectively through adult education programs."

The Act would also require that each state receiving funds establish a state advisory council on adult education to advise the state on the policies it should pursue to strengthen adult education, on methods of expanding private sector involvement, and on its four-year plan. The legislation stipulates that the council membership be representative of "citizens and groups" having an interest in adult education, and that there be appropriate representation of special populations, including racial and ethnic minorities.

The role of nonprofit organizations in Adult Education Act, however, would not be changed. Applicants other than local education agencies would be free to apply to the state for Adult Education Act funds, but they must consult with the LEA and grant it an opportunity to comment on the application.

VI. IMMIGRANT EDUCATION

The Emergency Immigrant Education Act, created in 1984, provides financial assistance to school districts which enroll immmigrant children. Presently, school districts are able to engage in almost any type of activity with the funds, and are not required to report on the purposes for which the funds are used. In the past, some states have indicated that they used the funds to provide supplementary instruction to immigrant children, purchase materials, and even build needed facilities.

On April 2, the Subcommittee held a hearing on the reauthorization of five small programs, including the Emergency Immigrant Education Act. The National Council of La Raza presented tesimony, at Congressional request, on the reauthorization of this program (copies of the testimony are available from the Council upon request). The Council strongly recommended that Congress reauthorize the legislation and amend the law to require states to report to the Department of Education and Congress on the uses of the funds. The Council also recommended that schools first ensure that the instructional needs of immigrant students are addressed before the funds are used for other purposes. Noting the effects of the Immigration Reform and Control Act upon the capacity of school districts to provide ample adult education and English courses, the Council also suggested that the Act be amended to address the need of adult immigrants for English classes.

The reauthorization of the Immigrant Education Act continues the same authorization level as in current law, $40 million for 1989, and "such sums as may be necessary for each year through 1993. The law is also amended to require each state receiving funds to submit an annual report to the Secretary and that the Secretary in turn make an annual report to Congress. The Committee suggested that this information include the number and nationality of the students served. The Comptroller General is also directed to conduct periodic national assessments of the programs funded under this Act, and report to Congress the results of the assessments in 1989 and every three years thereafter.

VII. OTHER PROGRAMS

Of the remaining programs included in H.R. 5, two which are of special interest to the Hispanic community are described below.

A. Gifted and Talented Programs

Title IV of the School Improvement Act would establish a $25 million grant program for gifted and talented education. The Jacob K. Javits Gifted and Talented Education Act represents the re-establishment of a federal program specifically targeted to this area. Funds could be used for several purposes including: training for personnel, the establishment and operation of model programs, and programs of technical assistance and information dissemination. Eligible recipients would include state educational agencies, local school districts, colleges or universities, and other private and public agencies and organizations.

In administering the program, the legislation would require the Secretary of Education to give the "highest priority" to the identification of and services for gifted and talented children and youth who may be overlooked through traditional assessment methods. Such children and youth would include children who are from low-income backgrounds, limited-English proficient, or handicapped. Similar priority would also be given to projects designed to improve gifted and talented education programs within an entire state.

B. Drug Abuse Education

Last year, Congress passed a $200 million program, the Drug-Free Schools and Communities Act of 1986, aimed at promoting drug abuse prevention programs. This program has been reauthorized by the House, providing $250 million for FY 1988 and "such sums as may be necessary" for each year through 1993.

The program would provide funds to states to establish drug abuse prevention programs for youth who are "at risk" for drug abuse. Eligible recipients of state grants would include "local or intermediate education agencies and consortia," community-based organizations, and colleges and universities. Funds would also be available for statewide activities and teacher training in drug abuse education and prevention. Each state would receive a proportion of federal funds commensurate with the size of its school-age population.

The Act defines a "high risk youth" as an individual under 21 who is at risk of becoming or who has been a drug or alcohol abuser and who is: a dropout; has become pregnant; is economically disadvantaged; is the child of a drug or alcohol abuser; is a victim of physical, sexual, or psychological abuse; has committed a crime; has expreienced mental health problems; has attempted suicide; or has experienced long-term physical pain due to injury.

VIII. ANALYSIS

The School Improvement Act of 1987 is perhaps the single most important piece of education legislation which the House of Representatives has passed this decade. By reauthorizing 14 elementary and secondary education programs and creating a new one, H.R. 5 contains almost the entire federal contribution to the nation's elementary and secondary educational system. The majority of these programs are designed to improve services for educationally disadvantaged children and adults. For many in the House, H.R. 5 also represents an effort to increase the nation's competitiveness.

It is likely, however, that H.R. 5 will not become law until 1988. The Senate must first conduct its own reauthorization of the programs and pass its own legislation. A Senate bill must then be debated in conference with H.R. 5 until a joint bill can be approved by both legislative bodies, and then presented to the President for approval or veto.

Several programs and provisions in H.R. 5 are of particular interest to Hispanics. These fall into three major areas: appropriate educational programs for children who are educationally disadvantaged, poor, and limited-English proficient; literacy; and the involvement of parents in the education of their children.

For the first time, the Chapter One program would explicitly provide for the participation of children and parents who are limited-English proficient; and provide special services for preschool children and secondary school students. But the issue of assuring that every needy child is served, and served in a manner that enables that child to perform at grade level, and complete 12 years of schooling and receive a high school diploma, is not fully addressed by H.R. 5. The Adult Education program would be strengthened to continue the battle against illiteracy, but effective methods of reaching the adults most in need, particularly those who are limited-English proficient, dropouts, or applying for legalization under the Immigration Reform and Control Act, have not been assured a meaningful role in the program. Entities that are often the most successful in reaching these "hard-to-serve" populations, such as community-based organizations, are not included in the Act in a manner that assures their participation in the program.

The proposed reauthorization of the Bilingual Education Act contains many improvements in the legislation. However, one of the most serious concerns in H.R. 5 continues to be the funding priority given in the Bilingual Education Act to English-only programs for limited-English proficient children. Despite a burgeoning body of research that indicates that programs making no use of a child's native language are the least effective in promoting English language acquisition and subject matter competency, the majority of new funds would be awarded to these programs. Special Alternative Instructional Programs were first created in 1984 in recognition of the fact that effective and properly implemented bilingual education programs are not always possible; unfortunately, H.R. 5 does not fully assure that these English-only programs do not place children at additional risk of dropping out of school and not becoming fully proficient in English. However, the existing federal support for truly bilingual programs will continue at least at its present level.

The National Council of La Raza will continue to closely follow the reauthorization of these programs, and once they are reauthorized, will monitor their implementation. Because of the low levels of educational attainment that the Hispanic community continues to experience, these programs are a critical element in a strategy to improve literacy rates, lower dropout rates, and increase college enrollment rates of Hispanic children, youth and adults. H.R. 5 does not ensure that the many and unique educational needs of Hispanics will be met, but it is an important, if imperfect, step in that direction.